

REMARKS

This Amendment is in response to the Office Action dated February 26, 2003. Claims 1-30 are pending in the present application. Claims 27 and 29 have been amended, and claims 28 and 30 cancelled. Claims 31, 32 and 33 have been added. Therefore, claims 1-27, 29 and 31-33 are pending in the present application.

Amended Claims

Applicants have amended claim 27 to incorporate the limitations of claim 28, and claim 29 has been amended to incorporate the limitations of claim 30. No new matter has been presented and a new search is not required.

Allowable Subject Matter and New Claims

The Examiner indicated that claims 2-14, 28 and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also indicated that claims 15-26 were allowed.

Applicants gratefully appreciate the Examiner's indication. In response, Applicants have amended claims 27 and 29, as noted above. Applicants have also added claims 31, 32 and 33. Claim 31 combines the limitations of claim 1 and 2; claim 32 combines the limitations of claims 1 and 5; and claim 33 combines the limitations of claims 1 and 8. Therefore, based on the Examiner's indications, Applicants respectfully submit that claims 27, 29, 31, 32 and 33 are allowable over the cited references.

35 U.S.C. § 102 Rejections*Claim 1*

The Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Olivia (U.S. Patent No. 6,339,504). In so doing, the Examiner stated:

Olivia teaches all of the claimed limitations of the instant invention including the collimator (4), a pair of anamorphic prisms (5a and 5b), a diffraction grating (6a) and a focusing lens (6).

Applicants respectfully disagree.

The present invention, as recited in claim 1, provides:

1. An optical device, comprising:
 - a collimator;
 - at least one anamorphic pair of prisms optically coupled to the collimator;
 - a diffraction grating optically coupled to the at least one anamorphic pair of prisms at a side opposite to the collimator; and
 - a focusing lens optically coupled to the diffraction grating.

Olivia is directed to an optical device for focusing an elliptical laser beam. Olivia's system comprises a collimating means 3, 4, a circularizing means 5 and a focusing means 6. (Col. 4, lines 10-19; Figure 1). The focusing means 6 is for focusing a circularized beam at a predetermined reading distance, and comprises "a converging refractive, diffractive or Fresnel lens (indicated with 6a in the drawing)." (Col. 4, lines 43-45).

Applicants respectfully submit that Olivia fails to teach or suggest an optical device comprising "a diffraction grating optically coupled to the at least one anamorphic pair of prisms at a side opposite to the collimator," as recited in claim 1. The Examiner indicates that the focusing means 6a teaches the diffraction grating. That interpretation, however, contradicts the teachings of Olivia, where the focusing means 6a can be a lens that is a diffractive optical element (DOE) (col. 4, lines 47-52; Figures 8 and 9). Nothing in Olivia teaches or suggests that the DOE 6a is a diffraction grating, which by definition, separates and scatters light according to wavelength. Rather the DOE 6a operates to *focus* a circularized beam onto an intended reading area. (Col. 5, lines 51-52).

Moreover, even if Olivia's DOE 6a was a diffraction grating, which it is not, Olivia still fails to teach or suggest "a focusing lens optically coupled to the diffraction grating," as recited in claim 1. In the present invention, the focusing lens is a separate optical element spatially separated from the diffraction grating that receives light from the diffraction grating. In Olivia, the DOE 6a *is* the focusing means 6, and therefore, no additional "focusing lens optically coupled to the diffraction grating" is taught.

Accordingly, based on the arguments above, Applicants respectfully submit that Olivia fails to teach or suggest the cooperation of elements recited in claim 1. Thus claim 1 is allowable over the cited reference.


Conclusion

In view of the foregoing, it is submitted that claims 1-27, 29, and 31-33, as now presented, are allowable over the cited references and are in condition for allowance. Applicants respectfully request reconsideration of the rejections and objections to the claims, as now presented.

Applicants believe that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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Date



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